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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of Einke et al
Serial No.: 09/557,597
Filed: 25-Apr-2000
Title: SYSTEM FOR PROVIDING PERSONALIZED SERVICES

Atty. Docket No.: PHN 17-430
Group Art Unit: 2635
Examiner: Nguyen, Nam V

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

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Commissioner for Patents
Alexandria, VA 22313-1450

AUG 01 2003

Technology Center 2600

Sir:

This is an appeal from the decision of the Examiner dated 27 February 2003,
finally rejecting claims 1, 2, 4-10, and 13-18 of the subject application.

I. REAL PARTY IN INTEREST

The above-identified application is assigned, in its entirety, to U.S. Philips
Corporation, a company organized under the laws of the State of Delaware.

II. RELATED APPEALS AND INTERFERENCES

Appellant is not aware of any co-pending appeal or interference which will
directly affect or be directly affected by or have any bearing on the Board's decision in
the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 2, 4-10, and 13-18 are pending in the application. Claims 1, 2, 4-10, and
13-18 stand rejected by the Examiner under 35 U.S.C. 103(a).

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection in the Office Action
dated 27 February 2003.

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V. SUMMARY OF THE INVENTION

The invention comprises a "gatekeeper" device that selectively transmits an identity tag to an apparatus to affect the subsequent operation of the apparatus. A user of the gatekeeper device sets the device to a state that controls the selective transmission of the identity tag. The user controls whether the gatekeeper device should be recognized by the apparatus, and to which extent the apparatus should adapt its behavior to the user. (Applicants' page 2, lines 10-18.) In a first example state, the gatekeeper device always responds to a probe signal from the apparatus. In a second example state, the gatekeeper device notifies the user of the probe signal, but does not respond until the user explicitly confirms that the response should be sent. Other states are also supported.

In an example embodiment of the invention, the gatekeeper device includes three buttons: red, orange, and green. When the device first receives the probe from an apparatus, it notifies the user, for example, by flashing or beeping. If the user presses the green button, the gatekeeper device is configured to transmit the identity tag immediately and automatically in the future when the apparatus is encountered. If the user presses the red button, the gatekeeper device is configured not to send the identity tag now or in the future to this apparatus, and not to notify the user of future probes from this apparatus. If the user presses the orange button, the gatekeeper device is configured to transmit the identity tag immediately, but not automatically in the future. (Applicants' page 4, line 10 through page 5, line 31.) The probe signal can be configured to identify a particular apparatus, a class of apparatuses, and so on, so that the gatekeeper device's selective transmission can be based on a specific or general identification of the apparatus (Applicants' page 2, lines 27-28).

By providing selective transmission of the identity tag, the user of the gatekeeper device is able to control the dissemination of the user's identity. For example, a user may configure the device to transmit the identity tag to all apparatuses in a familiar environment, such as the user's home or office, but not to transmit the identity tag without explicit authorization while the user is in a public environment, such as an airport terminal. Additionally, the user can configure the device to never transmit the identity tag to designated apparatuses or classes of apparatuses.

The control of the apparatus based on the identity tag can be effected in a variety of ways. In an adaptive configuration, the apparatus modifies its behavior based on prior controls of the apparatus after receiving the identity tag. In another configuration, a user profile is explicitly created at the apparatus and associated with the identity tag; optionally, the identity tag may be created at the apparatus when the profile is created and communicated to the gatekeeper device for subsequent use with this apparatus. In another embodiment, the user profile is stored in the gatekeeper device and communicated to the apparatus.

VI. ISSUES

Are claims 1, 2, 4-10, and 13-18 patentable under 35 U.S.C. 103(a)?

VII. GROUPING OF CLAIMS

Claims 1, 2, 4, 6, 8-10, and 13-18 stand or fall together; claim 5 stands alone; and claim 7 stands alone.

VIII. ARGUMENT

The Applicants request that each of claims 5 and 7 stands alone for the following reasons. Claim 5 is patentably distinct from the other claims because claim 5 includes the limitation that the apparatus identifies itself to the gatekeeper device, thereby enabling selective response from the gatekeeper based on the identification of the apparatus. Claim 7 is patentably distinct from the other claims because claim 7 includes the limitation that the gatekeeper initially receives the identity tag from the apparatus.

**Are claims 1, 2, 6, 10, and 13-17 patentable under 35 U.S.C. 103(a) over
Nickum (USP 6,359,661) and Garnault (USP 5,929,769)?**

Each of the Applicants' independent claims 1, 8, 10, and 14 include a gatekeeper device that *selectively transmits* a user identification *in response to a communication* from an apparatus that is configured to modify its behavior based upon receipt of the user identification.

Nickum teaches a conventional remote control device that is configured to communicate a user identification to an apparatus to affect the operation of the apparatus, when the user activates a particular input sequence on the remote control device. The Examiner acknowledges that Nickum does not teach a gatekeeper device that transmits the user identification in response to a transmission from an apparatus.

Garnault teaches a conventional RFID device that communicates an identifier in response to a probe from an apparatus, without any input from the user. In an example embodiment, when a person carrying the RFID device approaches a vehicle that is 'keyed' to the identifier, the vehicle unlocks its doors.

The Applicants respectfully note that Garnault's RFID device does not *selectively* transmit the identifier. Garnault's RFID device *always* transmits the identifier in response to an appropriate probe from an apparatus. If *any* apparatus within a given range of Garnault's RFID device transmits a signal at the frequency of Garnault's RFID device, Garnault's RFID device will respond with a transmission of its identifier. Contrarily, Nickum *always* requires an explicit user input to transmit a user identification, independent of whether the device receives a probe from an apparatus.

Neither Nickum nor Garnault, individually or collectively, teach or suggest *selectively* transmitting a user identification upon receipt of a probe from an apparatus, as specifically claimed in each of the Applicants' independent claims 1, 8, 10, and 14.

Is claim 5 patentable under 35 U.S.C. 103(a) over Nickum, Garnault, D'Angelo et al. (USP 6,265,974), and Kushiro et al. (USP 6,285,357)?

Claim 5 addresses a gatekeeper device that receives a communication from an apparatus that contains an identification signal that distinguishes this apparatus from other apparatuses, notifies the user upon receipt of the communication from the apparatus, and selectively transmits a user identification in response to this communication.

As noted above, Nickum teaches a conventional remote control device that is configured to communicate a user identification to an apparatus to affect the operation of the apparatus, when the user selects a particular input on the remote control device, and Garnault teaches a conventional RFID device that communicates an identifier in response to a probe from an apparatus, without any input from the user.

D'Angelo et al. teaches a sensing unit that notifies a parent when a child roams beyond the proximity of the parent. Kushiro et al. teaches communicating a device identification code to a controller so that the controller can distinguish among devices.

As noted above, upon receipt of a communication from an apparatus at an associated frequency, Garnault always communicates an identifier, regardless of the particular apparatus that sends the communication. D'Angelo relies upon a relatively continuous communication from the child unit in order to detect a loss of communication when the child roams beyond a range of the parent unit. Nickum teaches an explicit user-activated transmission from a remote control device, independent of a communication from the apparatus. Kushiro teaches a remote control device that modifies its behavior based upon an identification of an apparatus that is to be controlled, and also teaches explicit user-activated transmissions that are independent of communications from the apparatus.

Neither Nickum, nor Garnault, nor D'Angelo, nor Kushiro, individually or collectively, teach or suggest selectively transmitting a user identification in response to a communication from an apparatus that identifies the apparatus, as claimed in claim 5.

Is claim 7 patentable under 35 U.S.C. 103(a) over Nickum and Garnault?

Claim 7 addresses a system wherein the apparatus communicates an identity tag corresponding to a particular personalization of the apparatus to the gatekeeper device, so that the gatekeeper device can use this identity tag as the user identification that is selectively transmitted to the apparatus upon receipt of a communication from the apparatus.

As noted above, Nickum teaches a conventional remote control device that is configured to communicate a user identification to an apparatus to affect the operation of the apparatus, when the user selects a particular input on the remote control device, and Garnault teaches a conventional RFID device that communicates an identifier in response to a probe from an apparatus, without any input from the user.

The Examiner asserts that Nickum teaches the transmission of an identity tag from an apparatus to a gatekeeper device at column 5, lines 42 to 59. The Applicants respectfully traverse this assertion, because the referenced text refers exclusively to transmissions from the remote device. Nickum is silent with regard to transmissions from the controlled apparatus, and particularly with regard to a transmission of an identity key that identifies a personalization of the apparatus.

Neither Nickum nor Garnault, individually or collectively, teach or suggest communicating an identity key from an apparatus to a device, for subsequent use of the identity key as a user identification that is selectively transmitted from the device to the apparatus.

CONCLUSIONS

Because neither Nickum nor Garnault, individually or collectively, teach or suggest the selective transmission of a user identification in response to a communication from an apparatus that uses the user identification to modify its behavior, as specifically claimed in each of the Applicants' independent claims, the Applicants respectfully request that the Examiner's rejection of claims 1, 2, 4-10, and 13-18 under 35 U.S.C. 103(a) be reversed by the Board, and the claims be allowed to pass to issue.

Because neither Nickum, nor Garnault, nor D'Angelo, nor Kushiro, individually or collectively, teach or suggest selectively transmitting a user identification in response to a communication from an apparatus that distinguishes the apparatus from other apparatuses, the Applicants respectfully request that the Examiner's rejection of claim 5 under 35 U.S.C. 103(a) be reversed by the Board, and claim 5 be allowed to pass to issue.

Because neither Nickum nor Garnault, individually or collectively, teach or suggest communicating an identity key from an apparatus to a device, for subsequent use of identity key as a user identification that is selectively transmitted from the device to the apparatus, the Applicants respectfully request that the Examiner's rejection of claim 7 under 35 U.S.C. 103(a) be reversed by the Board, and claim 7 be allowed to pass to issue.

Respectfully submitted,



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APPENDIX
CLAIMS ON APPEAL

1. A system for providing personalized services, comprising
 an apparatus which is capable of personalizing its behavior in accordance with a user profile, and
 a gatekeeper device that is configured to selectively transmit a user identification only, in response to receipt of a communication from the apparatus,
 wherein
 the apparatus is configured to effect the personalizing of its behavior based on the user identification
2. A system as claimed in Claim 1, characterized in that
 the gatekeeper device includes a user control to selectively transmit the user identification.
4. A system as claimed in Claim 1, characterized in that
 the gatekeeper device is configured to provide notification of the communication from the apparatus.
5. A system as claimed in claim 4, characterized in that
 the communication from the apparatus includes an identification signal of the apparatus that distinguishes the apparatus from an other apparatus.
6. A system as claimed in claim 1, characterized in that
 the gatekeeper device is further configured to enable selection of one or more options that affect selectively transmitting the user identification at subsequent occasions.

7. A system as claimed in Claim 1, characterized in that

the apparatus is further configured to:

generate an identity tag which identifies a select personalization, and

communicate the identity tag to the gatekeeper device, the gatekeeper device being capable of storing said identity tag for use as the user identification at subsequent occasions.

8. A system for providing personalized services, comprising

an apparatus which is capable of personalizing its behavior in accordance with a user profile, and

a gatekeeper device that is configured to selectively transmit a user identification, in response to receipt of a communication from the apparatus,

wherein

the apparatus is configured to effect the personalizing of its behavior based on the user identification and a user profile, and

the gatekeeper device is capable of storing the user profile for selective communication to the apparatus.

9. A system as claimed in Claim 8, characterized in that the apparatus is capable of exchanging the user profile with the gatekeeper device or another apparatus.

10. A gatekeeper device comprising:

a transceiver that is configured to:

receive communication from an apparatus that is configured to effect a personalization of the operation of the apparatus based on a user identification, and

selectively transmit the user identification only; and

one or more user controls that facilitate selectively transmitting the user identification.

13. A system as claimed in Claim 1, characterized in that
the apparatus is further configured to effect the personalizing of its behavior based on user behavior following a prior receipt of the user identification.

14. A method of facilitating personalization of a plurality of apparatuses, comprising
receiving a communication from each apparatus of the plurality of apparatuses,
and
selectively communicating a user identification to each apparatus, in response to the communication from each apparatus, to selectively effect a personalization of each apparatus of the plurality of apparatuses based on the user identification.

15. The method of claim 14, wherein
selectively communicating includes receiving a user selection that effects a transmission of the user identification.

16. The method of claim 15, wherein
the user selection also controls future transmission of the user identification to each apparatus.

17. The method of claim 14, wherein
the personalization of each apparatus is further based on user behavior following a prior communication of the user identification.

18. A system as claimed in Claim 8, characterized in that the gatekeeper device is capable of exchanging the user profile with a plurality of other apparatuses.



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Alexandria, VA 22313-1450

Sir:

Enclosed is an original plus two copies of an Appeal Brief in the above-identified application.

☒ A credit card authorization in the amount of \$320 is enclosed.

☐ The Commissioner has already been authorized to charge fees in this application to Deposit Account .

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account _____. Enclosed is a copy of this sheet.

Respectfully submitted,

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On 28 July 2003

By